



HOUSE FINANCE SUBCOMMITTEE ON HUMAN SERVICES

April 28, 2021

Thank you Chairman Marszalkowski and members of the Committee for the opportunity to provide testimony today. We would also like to take the opportunity to thank our Legislative Budget Analyst, John Collins, for his guidance and support. Mr. Collins has been available to our office to answer our many questions as we navigate this process and work to move this agency forward. We also want to acknowledge the hard work and dedication of the Office of the Child Advocate (OCA) staff over the past year which includes, Child Advocate, Jennifer Griffith; Assistant Child Advocate, Katelyn Medeiros; Special Projects Coordinator, Kathryn Cortes; Staff Attorney III, Diana Robbins; Senior Planning and Program Development Specialists, Jacqueline Sanchez and Virawood Vilayvanh; Public Education and Information Coordinator, Kara Foley; and Confidential Secretary, Taylor Camirand.

The OCA is an independent and autonomous state agency responsible for protecting the legal rights and interests of children in state care. The OCA functions as the oversight agency for the Department of Children, Youth and Families (DCYF). As you are aware, DCYF is the sole child welfare agency for the state of Rhode Island. They consist of numerous departments including but not limited to, Child Protective Services (CPS), Licensing, the Family Service Unit, Developmental Disability Unit, Child Support Unit, Juvenile Corrections, Juvenile Probation, Legal Department, Intake Unit, Monitoring Unit, Central Referral Unit, Children's Behavioral Health Unit (CBH) and the Contract Compliance Unit. The OCA is responsible for monitoring the operation of each unit within DCYF and must ensure their compliance with internal policies and protocols, state law and federal law. In addition, the OCA must continue to monitor overall issues and trends to ensure that each of these units are operating within the best practices of child welfare and to inform whether any systemic change is needed and necessary. This responsibility includes providing oversight to all 620+ DCYF employees, outside service providers sub-contracted through DCYF, and the cases of thousands of children open in some capacity to DCYF.

The OCA is afforded the opportunity to fulfill this vital role through a broad statutory mandate and is tasked with numerous responsibilities. The OCA is responsible for monitoring placement facilities licensed by DCYF including congregate care placements both in state and out of state, foster homes, and the Rhode Island Training School. The OCA ensures that licensed group care facilities remain in compliance with DCYF licensing regulations. The OCA has the right to independently investigate any claims of institutional abuse, issuing our own report, findings, and recommendations to ensure the safety and well-being of children in care. Also, the OCA staff closely monitors the cases called in to CPS and has the ability to follow up on

individual cases where we believe that policy has not been properly adhered to. The OCA serves as Guardian ad litem to thirty-five (35) children with significant developmental disabilities and mental health issues who are open to DCYF through a voluntary agreement. In this capacity the OCA attends treatment meetings, individualized education program (IEP) meetings, court hearings, and takes additional legal action when necessary to ensure these children receive the appropriate services and level of care.

Additionally, the OCA is responsible for responding to calls and inquiries concerning children who are in the care and custody of DCYF or who have been recently closed to the Department. Each day the OCA receives calls from a variety of individuals including but not limited to service providers, police departments, school departments, teachers, social workers, nurses, medical providers, outside attorneys, Judges, parents, and even DCYF staff. In 2020, the OCA worked on a total of 613 inquiries. The response required is varied, ranging from providing contact information or taking legal intervention. Additionally, the OCA receives inquiries regarding youth in need of services who are not yet involved with the DCYF. The OCA makes appropriate referrals to other agencies with regard to those inquiries. In some instances, the OCA acts as an intermediary on behalf of children in need of DCYF services, when the families have been unsuccessful at negotiating their way through the system. When appropriate, OCA staff can intervene on behalf of young children in need of DCYF services, either through direct interaction with DCYF staff at all levels or through intervention in Rhode Island Family Court. The OCA continues to experience an increase in calls to our office. We attribute this to the public education regarding the role of our Office provided to various agencies, police departments, school social workers, attorneys and school departments, and the varied issues plaguing children and families as a direct result of the COVID-19 pandemic.

The OCA serves as an administrator for the Victim Compensation Program for children under the age of 21. The Office assists children who have been the victim of abuse in securing financial assistance to access necessary services for their recovery. In 2017, the responsibility of the OCA was expanded to assist families and file claims for children who witnessed domestic violence or were identified as a victim of sex trafficking. The OCA has played a more active role in the cases of the youth who have been identified as victims of sex trafficking. The OCA staff have collaborated with local and federal law enforcement, the Rhode Island Family Court, CASA, DCYF, and providers in advocating for the needs and protection of these youth.

Over the past year, our Office has worked on public education and awareness of the OCA's function. We have participated in speaking engagements with police departments, school departments and community service providers. In addition, we have also spread awareness in the community on how individuals can help and get involved. The OCA staff have participated in speaking engagements at Providence School Department, Burrillville School Department and Rhode Island College Graduate School of Social Work, just to name a few. As part of our public education efforts, we significantly expanded our presence on social media by regularly sharing resources to support children and families, particularly during the pandemic, on Twitter.

The OCA continues proactive engagement with youth in the Voluntary Extension of Care (VEC) Program, a program established with extensive support from the General Assembly in 2018. VEC is a voluntary program that provides extended services and supports up to youth up to age 21 who were in foster care on their 18th birthday. Since implementation, the OCA has increased collaboration with young people who participate in the program and staff from DCYF and provider agencies who support participants. On December 27, 2020, Congress passed the federal Consolidated Appropriations Act which included specific provisions to provide temporary support to young adults currently or formerly in foster care due to exacerbated housing, basic need, education, and employment barriers experienced during the pandemic. Beginning in 2021, the OCA has proactively worked with DCYF to ensure efficient administration of this temporary expansion of extended foster care services and supports for young people to age 22 and expanded funding allocations for securing housing, paying for basic needs and utilities, paying for school, school supplies, training program costs, and paying for costs related to driver's education, license fees, and behind-the-wheel training. This funding is available to young people in Rhode Island until September 30, 2021. As part of accessing the funding, states are required to develop a public awareness campaign. The OCA developed a flyer to outline basic supports for distribution on social media, to community providers, and to every school department in the state. The OCA also completed research and analysis related to driver's license provisions, attended numerous national webinars to learn about implementation of the federal funding, participated in statewide workgroups regarding implementation, and regularly review specific cases to determine eligibility of youth to maximize funding use.

The staff of the OCA actively advise on a number of committees included but not limited to, the Children's Cabinet, the Multi-Disciplinary Team for the Aubin Child Protection Center at Hasbro Children's Hospital, the Critical Death Review Team for the Department of Health, Juvenile Detention Alternatives Initiative Steering Committee, Rhode Island KIDS COUNT Policy Workgroups, Human Trafficking Task Force, Child Care Commission, and the Juvenile Justice Advisory Committee. Additionally, the OCA is empowered to initiate litigation on behalf of children in state care or promote necessary systemic change through legislative advocacy. Also, the OCA has the ability to convene public hearings and conduct studies, which are released as public reports.

The OCA continues to expand philanthropic engagement to better the quality of life and enhance the experiences children receive. The OCA, in partnership with Adoption Rhode Island and Attorney Lise Iwon, organizes the Annual Duffle Bag Bash. This event raises awareness to the degrading process of moving the minimal belongings of children in state care in trash bags when transitioning to a new placement. Annually, duffle bags, gift cards and cash donations are collected, to support children and youth in state care.

In July 2016, the statutory mandate of the OCA was expanded to include reviews of child fatalities or near fatalities in cases where a child was in the care and custody of DCYF or the child's family had recent contact with DCYF. In cases of fatalities or near fatalities that meet the statutory requirement for review, the OCA convenes a Child Fatality Review Panel consisting of

various child welfare experts to comprehensively review the case(s) and produce a report with recommendations for practice and systemic change to prevent future tragedies.

In 2017, the OCA was appointed federal monitor and part of the Monitoring Team following the settlement to the Children's Rights Lawsuit. The Monitoring Team is comprised of the OCA and the Data Validator. The Monitoring Team collaborates to review and validate data collected by DCYF to determine whether the data outcomes meet the benchmarks outlined in the settlement agreement. The Monitoring Team is responsible for issuing a public report at the end of each reporting period. To date, the Monitoring Team has released four reports and one amendment report on the OCA website per the requirements outlined in the settlement agreement.

Throughout 2020, the OCA continued to receive an increase in calls regarding educational issues pertaining to students in state care. The OCA has been appointed by the Rhode Island Family Court to a number of cases requiring legal intervention and educational advocacy. The issues reported were specific to school enrollment and placement, issues related to IEP and 504 plans, and educational access. Access to education is the most common issue referred to the OCA. This is due to a number of issues including languishing in a hospital setting, untimely registration, scheduling a best interest determination call, schools indicating that they are unable to meet the needs of the child, or conflict between districts about who is responsible for funding a child's education. When receiving these calls, the sole focus of the OCA is to ensure that the child begins to receive an education as quickly as possible to prevent any further disruption in their academics. Additionally, the OCA provides advocacy regarding a child's educational planning and supportive services both in and out of school to ensure they can make meaningful progress in their education and care. It is our hope to continue to expand our involvement with educational advocacy in an attempt to improve educational outcomes for youth in state care.

We have provided a copy of our latest Annual Report to each of you, which will outline the work performed by our office during 2020. While the global pandemic did impact our service delivery, we adjusted our approach to ensure continued comprehensive oversight and support to children and families in Rhode Island. However, our work is far from over. The OCA plans to further our involvement and advocacy to improve our child welfare system, resulting in better outcomes for the children we serve.

The OCA understands that FY 2022 presents statewide budgetary challenges. Initially, our budget request for FY 2021 included two (2) FTEs to accommodate our growing caseload and responsibilities. However, we removed that request along with a request for \$113,019 to provide more equitable salaries to our staff. In consideration of the budget crisis, our agency understands that this is not the year to seek an increase to our budget. Similar to all state agencies, the OCA worked diligently to find ways to achieve savings in our FY 2022 budget request. Our budget is primarily comprised of personnel, which limited our options to achieve target savings without impacting our ability to fulfill our statutory mandate.

The OCA experienced two (2) vacancies in the last year including the Grants Manager and the Case Management Coordinator. In an effort to produce savings within our budget, we proposed to freeze these two (2) FTEs for FY 2022. Since this initial proposal, the OCA has been advised by the Department of Administration that our agency can fill the Case Management

Coordinator position. The OCA is appreciative to receive authorization to fill this position. However, the Case Management Coordinator is primarily funded through our federal VOCA grant. Following our budget submission, the OCA returned the federal funds we received for these positions to assist with the federal budget cuts experienced by VOCA grant recipients. However, the OCA plans to request the funding needed to fill this position for FFY 2022. The OCA will maintain our plan to freeze the Grants Manager position, with the hope of filling the position next fiscal year. Although the Grants Manager is federally funded through our VOCA grant, there is a state match component that would generate savings within our budget. The OCA was also able to propose savings in general revenue by reducing our request for operating expenses and contract services for an additional savings of \$9,600.

As the OCA continues to expand our role and responsibilities, we are hopeful to reevaluate the needs of our agency next fiscal year. The OCA will continue to provide heightened oversight to DCYF and improve outcomes within our child welfare system.

Thank you for your continued support of our agency.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Griffith".

Jennifer Griffith, Esq.

Child Advocate